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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,860	08/18/1999	HENRICUS A. W. VAN GESTEL	PHN-17.070	7043

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

HU, JINSONG

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/376,860

Applicant(s)

VAN GESTEL ET AL.

Examiner

Jinsong Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4 and 6-10 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 11-15 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. Claims 1-15 are presented for examination. Claim 1 has been amended.
2. Claims 1-3 and 5-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - A. The claim language in the following claims is not clearly understood.
 - i. As per claim 1, it is unclear whether "said selections personalizing information" in lines 6-7 and "said personalizing information" are the same, do both of them refer to "selections" of line 3. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelley et al. (US 6,209,007).

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5. As per claim 1, Kelley teaches the invention as claimed including an information processing device [10, Fig. 1], comprising:

a first storage device [14, 21, Fig. 1] for storing units of primary information [col. 4, lines 33-44 & 50-53];

a user operable interface [12, Fig. 1] for making selections from the stored units of primary information to be processed and/or from functions to be invoked [col. 4, lines 28-35]; a second storage device [16, 20, Fig. 1];

a personalizing means for deriving from said selections personalizing information from other than the mere fact that the selected units were selected in order to store the personalizing information in second storage device [col. 4, lines 19-23 & 37-41]; and

a presentation means for presenting information, the personalizing means being arranged to present said personalizing information [Fig. 2; col. 4, lines 33-47].

6. As per claim 2, Kelley teaches that the personalizing means are arranged to maintain a link between a respective unit of said primary information and a respective unit of the personalizing information [col. 4, lines 37-57; col. 5, lines 9-27].

7. As per claim 3, Kelley teaches that the device includes presentation means for presenting information, the personalizing means being arranged to present a respective unit of personalizing information which is linked to a respective unit of primary information while the respective unit of primary information is being processed [Fig. 2; col. 4, lines 33-47].

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8. As per claim 11, Kelley teaches that the deriving serves to personalize stored units of primary information corresponding to the selections to form personalizing information [col. 5, lines 9-26].

9. As per claims 12 and 13, Kelley teaches that the second storage device is in communication connection with the first storage device [col. 4, lines 41-57].

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelley et al. (US 6,209,007) as applied to claims 1-3 and 11-13 in view of Logan et al. (US 5,721,827).

12. As per claim 14, Kelley teaches the invention substantially as claimed in claim 1. Kelley does not specifically teach the personalizing information comprises an e-mail address and the information-processing device is a mobile unit. However, Logan on the other hand teaches the personalizing information comprises an e-mail address [col. 14, line 64 – col. 15, line 1] and the information-processing device is a mobile unit [col. 6, lines 32-44]. It would have been obvious to a person of ordinary skill in the art at the

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time the invention was made to combine the teaching of Kelley and Logan because utilizing Logan's email address and mobile unit in Kelley's system would improve the functionality of the system by enabling users be able to use e-mail address which is a well-known communication method in the art and carry the information-processing unit around when they need. One of ordinary skill in the art would have been motivated to modify Kelley's system with Logan's email address and mobile unit to improve the functionality of the system.

Allowable Subject Matter

13. Claim 5 is objected to as being dependent upon a rejected base claim 1, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 4 and 6-10 are allowed.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinsong Hu whose telephone number is (703) 306 – 5932.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee, can be reached on (703) 305-8498. The fax number for Group 2100 is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of the application should be directed to the Group receptionist at (703) 305-3900.

Jinsong Hu

June 8, 2004



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100